

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2556

STATE OF NEW JERSEY
212th LEGISLATURE

ADOPTED FEBRUARY 23, 2006

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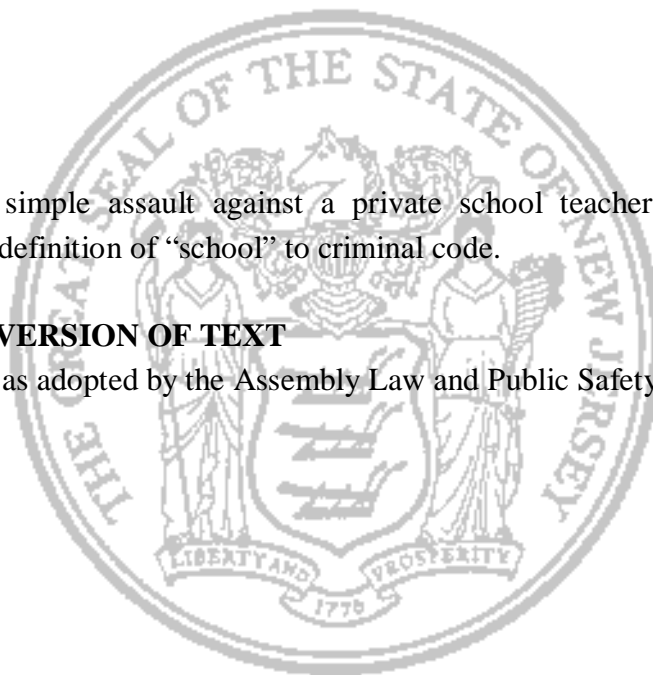
**Assemblymen Manzo, Mayer, Wolfe, Assemblywomen Beck, Handlin,
McHose, Vandervalk, Assemblymen Rumpf, O'Toole, Connors, Stack, Van
Drew, Senators Turner, Doria, Girgenti and Bucco**

SYNOPSIS

Upgrades simple assault against a private school teacher to aggravated assault; adds definition of "school" to criminal code.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Law and Public Safety Committee.



(Sponsorship Updated As Of: 6/20/2006)

1 AN ACT concerning general definitions under the criminal code and
2 assault against certain school employees and amending
3 N.J.S.2C:1-14 and N.J.S.2C:12-1.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. N.J.S.2C:1-14 is amended to read as follows:

9 2C:1-14. In this code, unless a different meaning plainly is
10 required:

11 a. "Statute" includes the Constitution and a local law or
12 ordinance of a political subdivision of the State;

13 b. "Act" or "action" means a bodily movement whether
14 voluntary or involuntary;

15 c. "Omission" means a failure to act;

16 d. "Conduct" means an action or omission and its accompanying
17 state of mind, or, where relevant, a series of acts and omissions;

18 e. "Actor" includes, where relevant, a person guilty of an
19 omission;

20 f. "Acted" includes, where relevant, "omitted to act";

21 g. "Person," "he," and "actor" include any natural person and,
22 where relevant, a corporation or an unincorporated association;

23 h. "Element of an offense" means (1) such conduct or (2) such
24 attendant circumstances or (3) such a result of conduct as

25 (a) Is included in the description of the forbidden conduct in the
26 definition of the offense;

27 (b) Establishes the required kind of culpability;

28 (c) Negatives an excuse or justification for such conduct;

29 (d) Negatives a defense under the statute of limitations; or

30 (e) Establishes jurisdiction or venue;

31 i. "Material element of an offense" means an element that does
32 not relate exclusively to the statute of limitations, jurisdiction,
33 venue or to any other matter similarly unconnected with (1) the
34 harm or evil, incident to conduct, sought to be prevented by the law
35 defining the offense, or (2) the existence of a justification or excuse
36 for such conduct;

37 j. "Reasonably believes" or "reasonable belief" designates a
38 belief the holding of which does not make the actor reckless or
39 criminally negligent;

40 k. "Offense" means a crime, a disorderly persons offense or a
41 petty disorderly persons offense unless a particular section in this
42 code is intended to apply to less than all three;

43 l. (Deleted by amendment, P.L.1991, c.91).

44 m. "Amount involved," "benefit," and other terms of value.
45 Where it is necessary in this act to determine value, for purposes of

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 fixing the degree of an offense, that value shall be the fair market
2 value at the time and place of the operative act.

3 n. "Motor vehicle" shall have the meaning provided in R.S.39:1-
4 1.

5 o. "Unlawful taking of a motor vehicle" means conduct
6 prohibited under N.J.S.2C:20-10 when the means of conveyance
7 taken, operated or controlled is a motor vehicle.

8 p. "Research facility" means any building, laboratory,
9 institution, organization, school, or person engaged in research,
10 testing, educational or experimental activities, or any commercial or
11 academic enterprise that uses warm-blooded or cold-blooded
12 animals for food or fiber production, agriculture, research, testing,
13 experimentation or education. A research facility includes, but is
14 not limited to, any enclosure, separately secured yard, pad, pond,
15 vehicle, building structure or premises or separately secured portion
16 thereof.

17 q. "Communication" means any form of communication made
18 by any means, including, but not limited to, any verbal or written
19 communication, communications conveyed by any electronic
20 communication device, which includes but is not limited to, a wire,
21 radio, electromagnetic, photoelectric or photo-optical system,
22 telephone, including a cordless, cellular or digital telephone,
23 computer, video recorder, fax machine, pager, or any other means
24 of transmitting voice or data and communications made by sign or
25 gesture.

26 r. "School" means a public or nonpublic elementary or
27 secondary school within this State offering education in grades K
28 through 12, or any combination thereof, at which a child may
29 legally fulfill compulsory school attendance requirements.

30 (cf: P.L.2001, c.220, s.1)

31

32 2. N.J.S.2C:12-1 is amended to read as follows:

33 2C:12-1. Assault. a. Simple assault. A person is guilty of
34 assault if he:

35 (1) Attempts to cause or purposely, knowingly or recklessly
36 causes bodily injury to another; or

37 (2) Negligently causes bodily injury to another with a deadly
38 weapon; or

39 (3) Attempts by physical menace to put another in fear of
40 imminent serious bodily injury.

41 Simple assault is a disorderly persons offense unless committed
42 in a fight or scuffle entered into by mutual consent, in which case it
43 is a petty disorderly persons offense.

44 b. Aggravated assault. A person is guilty of aggravated assault
45 if he:

46 (1) Attempts to cause serious bodily injury to another, or causes
47 such injury purposely or knowingly or under circumstances

1 manifesting extreme indifference to the value of human life
2 recklessly causes such injury; or
3 (2) Attempts to cause or purposely or knowingly causes bodily
4 injury to another with a deadly weapon; or
5 (3) Recklessly causes bodily injury to another with a deadly
6 weapon; or
7 (4) Knowingly under circumstances manifesting extreme
8 indifference to the value of human life points a firearm, as defined
9 in section 2C:39-1f., at or in the direction of another, whether or not
10 the actor believes it to be loaded; or
11 (5) Commits a simple assault as defined in subsection a. (1), (2)
12 or (3) of this section upon:
13 (a) Any law enforcement officer acting in the performance of his
14 duties while in uniform or exhibiting evidence of his authority or
15 because of his status as a law enforcement officer; or
16 (b) Any paid or volunteer fireman acting in the performance of
17 his duties while in uniform or otherwise clearly identifiable as being
18 engaged in the performance of the duties of a fireman; or
19 (c) Any person engaged in emergency first-aid or medical
20 services acting in the performance of his duties while in uniform or
21 otherwise clearly identifiable as being engaged in the performance
22 of emergency first-aid or medical services; or
23 (d) Any school board member, school administrator, teacher,
24 school bus driver or other employee of a public or nonpublic school
25 or school board while clearly identifiable as being engaged in the
26 performance of his duties or because of his status as a member or
27 employee of a public or nonpublic school or school board or any
28 school bus driver employed by an operator under contract to a
29 public or nonpublic school or school board while clearly
30 identifiable as being engaged in the performance of his duties or
31 because of his status as a school bus driver; or
32 (e) Any employee of the Division of Youth and Family Services
33 while clearly identifiable as being engaged in the performance of
34 his duties or because of his status as an employee of the division; or
35 (f) Any justice of the Supreme Court, judge of the Superior
36 Court, judge of the Tax Court or municipal judge while clearly
37 identifiable as being engaged in the performance of judicial duties
38 or because of his status as a member of the judiciary; or
39 (g) Any operator of a motorbus or the operator's supervisor or
40 any employee of a rail passenger service while clearly identifiable
41 as being engaged in the performance of his duties or because of his
42 status as an operator of a motorbus or as the operator's supervisor or
43 as an employee of a rail passenger service; or
44 (h) Any Department of Corrections employee, county
45 corrections officer, juvenile corrections officer, State juvenile
46 facility employee, juvenile detention staff member, juvenile
47 detention officer, probation officer or any sheriff, undersheriff, or

1 sheriff's officer acting in the performance of his duties while in
2 uniform or exhibiting evidence of his authority; or

3 **[(I)] (i)** Any employee, including any person employed under
4 contract, of a utility company as defined in section 2 of P.L.1971,
5 c.224 (C.2A:42-86) or a cable television company subject to the
6 provisions of the "Cable Television Act," P.L.1972, c.186
7 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in
8 the performance of his duties in regard to connecting, disconnecting
9 or repairing or attempting to connect, disconnect or repair any gas,
10 electric or water utility, or cable television or telecommunication
11 service; or

12 (6) Causes bodily injury to another person while fleeing or
13 attempting to elude a law enforcement officer in violation of
14 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
15 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any
16 other provision of law to the contrary, a person shall be strictly
17 liable for a violation of this subsection upon proof of a violation of
18 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
19 violation of subsection c. of N.J.S.2C:20-10 which resulted in
20 bodily injury to another person; or

21 (7) Attempts to cause significant bodily injury to another or
22 causes significant bodily injury purposely or knowingly or, under
23 circumstances manifesting extreme indifference to the value of
24 human life recklessly causes such significant bodily injury; or

25 (8) Causes bodily injury by knowingly or purposely starting a
26 fire or causing an explosion in violation of N.J.S.2C:17-1 which
27 results in bodily injury to any emergency services personnel
28 involved in fire suppression activities, rendering emergency
29 medical services resulting from the fire or explosion or rescue
30 operations, or rendering any necessary assistance at the scene of the
31 fire or explosion, including any bodily injury sustained while
32 responding to the scene of a reported fire or explosion. For
33 purposes of this subsection, "emergency services personnel" shall
34 include, but not be limited to, any paid or volunteer fireman, any
35 person engaged in emergency first-aid or medical services and any
36 law enforcement officer. Notwithstanding any other provision of
37 law to the contrary, a person shall be strictly liable for a violation of
38 this paragraph upon proof of a violation of N.J.S.2C:17-1 which
39 resulted in bodily injury to any emergency services personnel; or

40 (9) Knowingly, under circumstances manifesting extreme
41 indifference to the value of human life, points or displays a firearm,
42 as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of
43 a law enforcement officer; or

44 (10) Knowingly points, displays or uses an imitation firearm, as
45 defined in subsection f. of N.J.S.2C:39-1, at or in the direction of a
46 law enforcement officer with the purpose to intimidate, threaten or

1 attempt to put the officer in fear of bodily injury or for any unlawful
2 purpose; or

3 (11) Uses or activates a laser sighting system or device, or a
4 system or device which, in the manner used, would cause a
5 reasonable person to believe that it is a laser sighting system or
6 device, against a law enforcement officer acting in the performance
7 of his duties while in uniform or exhibiting evidence of his
8 authority. As used in this paragraph, "laser sighting system or
9 device" means any system or device that is integrated with or
10 affixed to a firearm and emits a laser light beam that is used to
11 assist in the sight alignment or aiming of the firearm.

12 Aggravated assault under subsections b. (1) and b. (6) is a crime
13 of the second degree; under subsections b. (2), b. (7), b. (9) and b.
14 (10) is a crime of the third degree; under subsections b. (3) and b.
15 (4) is a crime of the fourth degree; and under subsection b. (5) is a
16 crime of the third degree if the victim suffers bodily injury,
17 otherwise it is a crime of the fourth degree. Aggravated assault
18 under subsection b.(8) is a crime of the third degree if the victim
19 suffers bodily injury; if the victim suffers significant bodily injury
20 or serious bodily injury it is a crime of the second degree.
21 Aggravated assault under subsection b.(11) is a crime of the third
22 degree.

23 c. (1) A person is guilty of assault by auto or vessel when the
24 person drives a vehicle or vessel recklessly and causes either
25 serious bodily injury or bodily injury to another. Assault by auto or
26 vessel is a crime of the fourth degree if serious bodily injury results
27 and is a disorderly persons offense if bodily injury results.

28 (2) Assault by auto or vessel is a crime of the third degree if the
29 person drives the vehicle while in violation of R.S.39:4-50 or
30 section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily
31 injury results and is a crime of the fourth degree if the person drives
32 the vehicle while in violation of R.S.39:4-50 or section 2 of
33 P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

34 (3) Assault by auto or vessel is a crime of the second degree if
35 serious bodily injury results from the defendant operating the auto
36 or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981,
37 c.512 (C.39:4-50.4a) while:

38 (a) on any school property used for school purposes which is
39 owned by or leased to any elementary or secondary school or school
40 board, or within 1,000 feet of such school property;

41 (b) driving through a school crossing as defined in R.S.39:1-1 if
42 the municipality, by ordinance or resolution, has designated the
43 school crossing as such; or

44 (c) driving through a school crossing as defined in R.S.39:1-1
45 knowing that juveniles are present if the municipality has not
46 designated the school crossing as such by ordinance or resolution.

1 Assault by auto or vessel is a crime of the third degree if bodily
2 injury results from the defendant operating the auto or vessel in
3 violation of this paragraph.

4 A map or true copy of a map depicting the location and
5 boundaries of the area on or within 1,000 feet of any property used
6 for school purposes which is owned by or leased to any elementary
7 or secondary school or school board produced pursuant to section 1
8 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under
9 subparagraph (a) of paragraph (3) of this section.

10 It shall be no defense to a prosecution for a violation of
11 subparagraph (a) or (b) of paragraph (3) of this subsection that the
12 defendant was unaware that the prohibited conduct took place while
13 on or within 1,000 feet of any school property or while driving
14 through a school crossing. Nor shall it be a defense to a prosecution
15 under subparagraph (a) or (b) of paragraph (3) of this subsection
16 that no juveniles were present on the school property or crossing
17 zone at the time of the offense or that the school was not in session.

18 As used in this section, "vessel" means a means of conveyance
19 for travel on water and propelled otherwise than by muscular
20 power.

21 d. A person who is employed by a facility as defined in section 2
22 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as
23 defined in paragraph (1) or (2) of subsection a. of this section upon
24 an institutionalized elderly person as defined in section 2 of
25 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth
26 degree.

27 e. (Deleted by amendment, P.L.2001, c.443).

28 f. A person who commits a simple assault as defined in
29 paragraph (1), (2) or (3) of subsection a. of this section in the
30 presence of a child under 16 years of age at a school or community
31 sponsored youth sports event is guilty of a crime of the fourth
32 degree. The defendant shall be strictly liable upon proof that the
33 offense occurred, in fact, in the presence of a child under 16 years
34 of age. It shall not be a defense that the defendant did not know
35 that the child was present or reasonably believed that the child was
36 16 years of age or older. The provisions of this subsection shall not
37 be construed to create any liability on the part of a participant in a
38 youth sports event or to abrogate any immunity or defense available
39 to a participant in a youth sports event. As used in this act, "school
40 or community sponsored youth sports event "means a competition,
41 practice or instructional event involving one or more interscholastic
42 sports teams or youth sports teams organized pursuant to a
43 nonprofit or similar charter or which are member teams in a youth
44 league organized by or affiliated with a county or municipal
45 recreation department and shall not include collegiate, semi-
46 professional or professional sporting events.

47 (cf: P.L.2005, c.2, s.1)

- 1 3. This act shall take effect immediately.